

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>IN RE:</b>	*	<b>CASE NO. 06-32956-H4-13</b>
	*	
<b>SMITH, APRIL KELLEY</b>	*	
	*	<b>(CHAPTER 13)</b>
<b>DEBTOR</b>	*	

**DEBTOR'S APPLICATION FOR PAYMENT OF UNCLAIMED FUNDS**

IF YOU WANT A HEARING, YOU MUST REQUEST ONE IN WRITING AND YOU MUST RESPOND SPECIFICALLY TO EACH PARAGRAPH OF THIS PLEADING. YOU MUST FILE YOUR OBJECTION WITH THE CLERK OF THE BANKRUPTCY COURT WITHIN TWENTY DAYS (20) FROM THE DATE YOU WERE SERVED AND GIVE A COPY TO THE PERSON WHO SENT YOU THE NOTICE. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF.

IF A PARTY REQUESTS EMERGENCY CONSIDERATION, THE COURT MAY ACT EXPEDITIOUSLY ON THE MATTER. IF THE COURT ALLOWS A SHORTER RESPONSE TIME THAN TWENTY (20) DAYS, YOU MUST RESPOND WITHIN THAT TIME. IF THE COURT SETS AN EMERGENCY HEARING BEFORE THE RESPONSE TIME WILL EXPIRE, ONLY ATTENDANCE AT THE HEARING IS NECESSARY TO PRESERVE YOUR RIGHTS. IF AN EMERGENCY HEARING IS NOT SET, YOU MUST RESPOND BEFORE THE RESPONSE TIME EXPIRES.

**COMES NOW APRIL KELLEY SMITH**, Debtor in the above-captioned voluntary petition for bankruptcy (hereinafter referred to as "Applicant"), and applies to the Bankruptcy Court for entry of an order directing the Clerk of the Court to remit to the Applicant the sum of \$1,034.63, as unclaimed funds for creditor Harris County MUD #55, and \$1,103.58, as unclaimed funds for creditor Harris County, said funds having been deposited into the Treasury of the United States pursuant to order of the Court located at docket #84 and #85. Applicant represents to the Court the following:

1. Applicant was the individual debtor in the above-captioned chapter 13 case.
2. The debtor's case was filed on July 3, 2006.
3. Harris County MUD #55 and Harris County were both scheduled as secured creditors of

debtor's bankruptcy estate, and debtor's chapter 13 plan proposed to pay each creditor \$1,034.63 and \$1,103.58, respectively.

4. The debtor's chapter 13 plan was confirmed on September 21, 2006.

5. During the course of Debtor's chapter 13 bankruptcy, debtor made each of her regularly scheduled payments to the chapter 13 trustee; and the trustee made regular distributions to appropriate creditors.

6. At the culmination of debtor's plan, monies totalling \$2,138.21, and designated for creditors Harris County MUD #55 and Harris County remained uncollected, and were deposited into the Court's Registry per Order of this Court (docket #84 and #86.)

7. Counsel contacted counsel for creditors Harris County MUD #55 and Harris County and confirmed that no ad valorem taxes are due at this time.

8. Debtor's confirmed chapter 13 plan, in part, was intended to remit monies due ad valorem taxing authorities, Harris County MUD #55 and Harris County.

9. Apparently, the monies due the ad valorem tax authorities were paid directly by Debtor's mortgage company, Chase Home Finance.

10. Debtor was successful in completing her confirmed chapter 13 plan, and the Chapter 13 Trustee's *Notice of Plan Completion* was filed on July 19, 2011 (docket #91).

11. The source of the funds placed into the Court Registry came from the regular payments remitted by Debtor.

12. A portion of the regular payments remitted by the Debtor were designated to fund the ad valorem tax authorities, Harris County MUD #55 and Harris County.

13. Applicant requests return of these unclaimed funds in order that she can fund her escrow account from which the ongoing liabilities asserted by Harris County MUD #55 and Harris

County can be paid.

13. Applicant has no knowledge that any other party may be entitled to the funds and is not aware of any dispute regarding these funds.

**WHEREFORE, PREMISES CONSIDERED,** Applicant prays that the Court authorize release of monies being held in the Court Registry to Applicant, and for any further just and equitable relief.

Respectfully submitted,

/s/ **Michael Sharp**

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Attorney for Applicant

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing *Debtor's Application for Unclaimed Funds* was sent to the below listed creditors or parties-in-interest by U.S. Mail or electronic mail on the 10th day of August, 2011.

**United States Trustee**

United States Trustee  
515 Rusk 3516  
Houston, TX 77002

**Chapter 13 Trustee**

David G. Peake  
9660 Hillcroft 430  
Houston, TX 77096-3856

**Debtor**

April Kelley Smith  
16746 Frigate Drive  
Friendswood, TX 77546

**Harris County MUD #55**

POB 73109  
Houston, TX 77273

**Harris County Tax**

POB 3064  
Houston, TX 77253

**Chase Home Finance**

c/o BBWCD & F  
Att: Mary Daffin  
1900 St. James Place 500  
Houston, TX 77056